

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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ALBERTO RODRIGUEZ,)
Plaintiff,)
v.) C.A. No. 08-03 S
PROVIDENCE POLICE DEPARTMENT,)
et al.,)
Defendants.)
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ORDER

William E. Smith, United States District Judge.

On January 19, 2010, this matter was heard before the Court, along with other related matters. At that time, the Court instructed Plaintiff that he was permitted file objections, within the next thirty days, to certain Reports and Recommendations ("R&R") issued by Magistrate Judge Jacob Hagopian on June 23, 2009. It has now come to the Court's attention that when Plaintiff filed those objections on February 5, 2010, within the 30-day time frame, they were inadvertently determined to be out of time and, consequently, dismissed by text order, on February 10, 2010. That order is hereby withdrawn.

Magistrate Judge Hagopian issued three R&Rs on June 23, 2009. One R&R (EFC No. 22) recommended the denial of Plaintiff's motion for default judgment against all Defendants. Plaintiff has now objected to this R&R (EFC No. 37). A second R&R (EFC No. 24) recommended that Plaintiff's civil rights claims against Providence

police officers be dismissed as time barred. Plaintiff also objects to this recommendation (EFC No. 37).

The final R&R (EFC No. 23) recommended that the U.S. Government's motion to dismiss Plaintiff's various FOIA¹ requests be denied without prejudice. Defendants have subsequently filed a motion for summary judgment on the subject of the FOIA requests (EFC No. 36), which has been referred to Magistrate Judge Hagopian for disposition. Plaintiff has not objected to the substance of the R&R, but has instead responded to the motion for summary judgment (EFC No. 39).

The Court intends to proceed as follows: Plaintiff's objections to the R&Rs concerning the requested default judgment and the civil rights complaint against Providence police officers will be considered and a decision rendered. The various issues concerning the FOIA requests have not been objected to by the Government, and it is adopted; the arguments raised by the Government will be analyzed in the context of the Government's motion for summary judgment.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
Date: August 2, 2010

¹ The Freedom of Information Act, 5 U.S.C. § 552.